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UNCLAS SECTION 01 OF 04 STATE 097951

SENSITIVE
SIPDIS

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TAGS: [KCRM](#) [KWMN](#) [PHUM](#) [PREL](#) [SMIG](#) [KTIP](#) [RS](#)
SUBJECT: RUSSIA: TIP TIER 2 WATCH LIST ACTION PLAN
(2009-2010)

REF: A. 2008 STATE 132759
[B.](#) 2007 STATE 150188
[C.](#) 2009 STATE 005577
[D.](#) 2009 STATE 62182

[1.](#) This is an action request (see paras 2-4).

[2.](#) Begin action request: Drawing from points in para 8, Post is requested to approach appropriate host government officials to highlight the United States' strong commitment to continue to work with the Government of Russia to help strengthen its efforts to combat and prevent trafficking in persons (TIP) and to assist victims. Post is requested to convey the recommendations in para 9 as a non-paper and draw from the talking points in para 8 to explain to the host government the need for prompt action on the first set of recommendations for a positive review in the interim assessment that the Department will release to Congress by February 2010 and for movement out of the Tier 2 Watch List in next year's Report. Additional recommendations are also included in para 9 to aid the host government in making progress in its overall anti-TIP efforts. The notes indicated in brackets in the action plan are for post, background only and may be omitted from the non-paper. The [Implementation Guidelines](#) referenced in the action plan notes are contained in [refTel B](#). These guidelines provide guidance to posts on how the Minimum Standards of the Trafficking Victims Protection Act, as amended, (TVPA) are implemented, and have been cleared by regional bureaus.

[3.](#) Action request continued: Post is further requested to emphasize to the Government of Russia that the first set of recommendations is designed to help remedy the specific shortcomings identified in the 2009 TIP Report that resulted in the placement of Russia on the Tier 2 Watch List. These recommendations are often referred to as "high-priority" items for Tier 2 Watch List removal. However, sustained and significant anti-trafficking efforts by the government throughout the year will remain the basis for determining next year's tier placement. The interim assessment for Special Watch List countries (to include Tier 2 Watch List countries) will provide a progress report regarding the government's actions to address the short list recommendations designed to address the concerns that resulted in the country's placement on the Tier 2 Watch List in the 2009 TIP Report (high-priority items), but there will be no changes in tier ratings at that time. We will reconsider the government's tier placement when we conduct our annual full assessment for the March 2009-2010 reporting period next spring.

[4.](#) Action request continued: The Department recognizes that Post may choose to use this opportunity to provide additional recommendations, beyond the recommendations for moving out of the Tier 2 Watch List. In such a case, we request that Post make clear to the government which are the "high-priority" items to move off of the Tier 2 Watch List. The non-paper in

para 9 includes both "high-priority" recommendations for Tier 2 Watch List removal and further-reaching goals for longer-term success in combating trafficking in persons in all 3 P areas: Prosecution, Protection, and Prevention. (For posts, background information: G/TIP will be asking for posts to report on the country's progress in meeting these recommendations by no later than November 15, 2009, in order to compile narratives for the interim assessment.)

15. In preparation for the interim assessment and 2010 TIP Report, the Department is asking posts to work with host governments throughout the year to collect as many statistics as possible on law enforcement actions and judicial proceedings related to TIP crimes. Specifically the Department requests data on investigations, prosecutions, convictions, and sentences (e.g., fines, probation, length of prison sentences imposed, asset seizure information when available). Whether a government collects and provides this data consistent with the government's capacity to obtain such data is considered in determining whether the government qualifies for Tier 1. Law enforcement statistics, when available, are a good way of highlighting how well a government enforced its law and demonstrates strengths and weaknesses in various approaches. Please note that posts must interpret data terms provided by host governments such as indictments, charges, cases disposed, cases submitted for prosecution, etc., to ensure that they fit into one of the

STATE 00097951 002 OF 004

following categories: investigations, prosecutions, convictions or sentences.

The Department cannot accept "trafficking-related" law enforcement statistics (e.g. statistics on prostitution or smuggling offenses) because their direct correlation to trafficking crimes is not clear. The Department will accept only law enforcement data that fall into the following categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are explicitly defined as trafficking; and (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but in which the competent law enforcement or judicial authority has specific evidence indicating that the defendant was involved in trafficking.

16. The Department is also asking Posts to engage with host governments on efforts to address amendments made by the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). As indicated in reftel C, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

17. Please keep in mind the TIP Report measures host government efforts. In order for anti-trafficking activities financed or conducted principally by parties outside the government to be considered for tier placement purposes, Post needs to demonstrate a concrete role or tangible value-added by a host government in such activities carried out by NGOs, international organizations, or posts.

18. (U) Background Points:

Begin talking points:

-- The Obama Administration views the fight against human

trafficking, both at home and abroad, as a critical piece of our foreign policy agenda. We are committed to making progress on this issue in the months ahead by working closely with partners in every country.

-- The U.S. Government's Trafficking Victims Protection Act requires the State Department to submit an annual report to Congress on the status of foreign governments, efforts to combat trafficking in persons. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), the Department created a special category for Tier 2 countries that do not show increasing efforts from the previous year, have a significant number of victims, or whose Tier 2 rating is based on commitments to take additional steps over the next year.

-- Also as mandated by the TVPRA, by February 2010 the Department will submit to Congress an interim assessment. At the end of 2009 in preparation for that submission, the Department will conduct an assessment of Tier 2 Watch List countries' progress in responding to the specific issues of concern that resulted in the Tier 2 Watch List rating.

-- Russia was placed on Tier 2 Watch List in this year's report because of a lack of evidence the Russian government increased efforts to combat severe forms of trafficking in persons in the last year.

-- We are leaving with you a non-paper which outlines recommended actions the Russian government can take to address specific issues highlighted in the 2009 Trafficking in Persons Report published by the Department of State. We believe these recommendations are actionable and by paying prompt attention to them, may result in a positive interim assessment. New tier evaluations will not occur at the interim assessment; however, we will reconsider tier placements when we conduct our annual full assessment for the 2009-2010 reporting period next spring. Prompt, appropriate, and significant actions will lead to a more favorable tier placement; conversely, failure to address the issues mentioned above may lead to a Tier 3 placement.

STATE 00097951 003 OF 004

-- We want to work together and welcome the Government of Russia's comments on these recommendations and any other ideas you might have to advance our common struggle against trafficking in persons. We are also interested in your government's ideas of how we can strengthen cooperation on this front and exchange best practices.

-- In addition to current efforts by the Russian Federation to combat trafficking in persons, we leave you with this non-paper which addresses further steps to combat trafficking in persons.

End talking points.

19. (SBU) Begin Action Plan:

1A. Action Plan for the Short-Term: The following are recommended measures for a positive interim assessment in January 2010 and in the broader assessment of government efforts during the reporting period:

--Increase funding to anti-trafficking NGOs that provide victim assistance and rehabilitative care.

--Increase the number of investigations, prosecutions, and convictions for trafficking offenses, particularly government officials complicit in trafficking and ensure convicted traffickers and complicit officials are sentenced to some time in prison. Provide updated information on the status of government complicity cases initiated in 2007 and 2008.

--Create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases demonstrating the government,s increasing effort to vigorously investigate and prosecute, and convict and sentence traffickers; for all investigations, prosecutions, and convictions conducted under Article 127 of the criminal code, as amended in 2008, disaggregate cases involving force, fraud, or coercion from cases not involving force, fraud, or coercion.

--Increase efforts to investigate, prosecute, convict, and punish labor trafficking offenses.

--Develop a comprehensive national strategy that addresses all forms of trafficking and provides comprehensive victim assistance throughout Russia, establish an official federal coordinating body with the authority to implement the national strategy, and provide funding to implement this national strategy. Designate trafficking-specific responsibilities to relevant government ministries on the national and regional levels.

1B. Other areas the government should consider for action to boost its overall anti-trafficking efforts:

Prosecution:

--Use asset forfeiture legislation adopted in 2006 to divest human traffickers of their assets derived from, and used to, facilitate human trafficking.

--Continue efforts to investigate, prosecute, and convict military officials involved in the unlawful forced labor of young conscripts. Ensure military officials convicted of forced labor are sentenced to time in prison, where appropriate.

--Provide necessary funding to assist local law enforcement to fully implement and adhere to the witness protection legislation passed in 2005.

Protection:

--Continue to train law enforcement officials in victim identification and sensitivity training. Training should address the safe treatment of trafficking victims and the need for after-care and rehabilitative services.

--Consider allocating funding to the Ministry of Foreign Affairs,s budget specifically to assist in the repatriation of Russian victims. Track and report the number of Russian victims repatriated and assisted by the government.

--Consider passing regulations that permit assets seized from convicted traffickers to be allocated to programs that assist and protect victims of trafficking.

STATE 00097951 004 OF 004

--Increase the use of the witness protection program, where appropriate, to shelter and protect qualifying Russian and foreign victims and track the number of trafficking victims this program assists during the reporting period (April 2009 through March 2010). Police should work with NGOs where appropriate to ensure that victims in the witness protection program receive appropriate care and assistance.

Prevention:

--Continue efforts to raise public awareness of both sex and labor trafficking.

--Work with NGOs to conduct targeted public awareness campaigns directed at potential victims, particularly regarding recruitment scams inherent in employment and marriage ads in Russia. Public awareness campaigns should

articulate that victims are not at fault when they are trafficked and that victims should seek assistance.

--Include anti-trafficking elements in corruption training for police and other law enforcement personnel, including lower and higher level ranked officers.

--Include anti-trafficking training within existing military reform and training programs for military officers to reduce instances of Russian conscripts becoming victims of forced labor.

--Continue to take steps to prevent the use of forced labor in construction projects for the 2014 Winter Olympics.

End non-paper.

¶10. The Department thanks post for its continued efforts to address trafficking in persons issues.

CLINTON